

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

U.S. Securities and Exchange Commission,

Plaintiff,

v.

Marlon Quan; Acorn Capital
Group, LLC; Stewardship Investment
Advisors, LLC; Stewardship Credit
Arbitrage Fund, LLC; Putnam Green, LLC;
Livingston Acres, LLC; and ACG II, LLC,

Defendants,

Nigel Chatterjee; DZ Bank AG Deutsche
Zentral-Genossenschaftsbank, Frankfurt
am Main; Sovereign Bank; Topwater
Exclusive Fund III, LLC; Freestone Low
Volatility Partners, LP; and Freestone
Low Volatility Qualified Partners, LP;

Intervenors,

and

Gary Hansen,

Receiver.

**ORDER FOR AMENDED
JUDGMENT**

Civil No. 11-723 ADM/JSM

This matter is before the Court on Plaintiff United States Securities and Exchange Commission's ("SEC") FRCP 59(e) Motion to Amend Judgment [Docket No. 583]. The SEC asks the Court to amend the September 22, 2014 Judgment [Docket No. 578] entered against Defendants Marlon Quan ("Quan"), Acorn Capital Group, LLC ("Acorn"), Stewardship Investment Advisors, LLC ("SIA"), and ACG II, LLC's ("ACG II") (collectively, "Defendants"). The Judgment orders Defendants to pay, jointly and severally, disgorgement of

\$80,613,589 together with prejudgment interest calculated from January 1, 2009 to December 31, 2013, using the Internal Revenue Service delinquent tax rate for unpaid taxes. See Judgment at 3.

The SEC requests that the Judgment be amended to include the figure of \$15,578,083.73, which is the amount of interest owed on \$80,613,589 using the rate and time period ordered by the Court. See Exhibit A [Docket No. 585] (Ryba Decl.) at Ex. 1 (calculating interest). The SEC also requests that the Judgment be amended to state that Defendants' total liability of \$96,191,672.73 is credited by two payments totaling \$1,142,000 which Defendants made to defrauded investors, leaving a judgment balance of \$95,049,672.73.

The Motion was filed on October 20, 2014. No responses were filed on or before the December 10, 2014 hearing date. The Court canceled the hearing and took the matter under advisement on the filings submitted.

Based upon the files and records herein, **IT IS HEREBY ORDERED:**

1. Plaintiff United States Securities and Exchange Commission's FRCP 59(e) Motion to Amend Judgment [Docket No. 583] is **GRANTED**.
2. The September 22, 2014 Judgment [Docket No. 578] shall be amended by replacing Paragraphs D through F of the Judgment with Paragraphs D through G below:

D.

IT IS FURTHER ORDERED AND ADJUDGED that Defendants are liable, jointly and severally, for disgorgement of \$80,613,589 together with prejudgment interest of \$15,578,083.73. Defendants' total liability of \$96,191,672.73 is hereby credited by two

payments, totaling \$1,142,000, which Defendants made to defrauded investors, leaving a judgment balance of \$95,049,672.73. Payments of such judgment balance shall be made to the Clerk of this Court.

E.

IT IS FURTHER ORDERED AND ADJUDGED that this Amended Partial Final Judgment is entered *nunc pro tunc* as of September 22, 2014, the date on which Defendants were found liable, jointly and severally, for disgorgement of \$80,613,589, and prejudgment interest of \$15,578,083.73.

F.

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Amended Partial Final Judgment.

G.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court hereby directs the Clerk to enter this Amended Partial Final Judgment.

LET PARTIAL FINAL JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: December 10, 2014.